

RULES AND REGULATIONS OF THE STATE BAR OF CALIFORNIA
ARTICLE VI - CONFERENCE OF DELEGATES
SECTION 4

SECTION 4. REPRESENTATION IN THE CONFERENCE OF DELEGATES

A. Requirements for Representation

Any bar association which conforms to the following requirements and the Board of Governors so finds is entitled to representation in the Conference:

- (1) The name of the Association includes a general reference to the geographic area to be served by the Association, which geographic area, not to exceed a county except as provided in subparagraph ~~(12)~~(11), shall be defined precisely in the bylaws of the Association. If there is more than one bar association in a county, the Board of Governors, as a condition of the right to representation in the Conference, may require modification of the name of an Association within the county seeking such right, if in its opinion such change is necessary to prevent confusion to the public. With the express permission of the Board of Governors, an Association may serve a limited area encompassing two or more counties, or portions thereof.
- (2) The name of the Association does not indicate or imply that its membership consists of or is limited to members of the State Bar who are practicing or interested in a particular field or subject matter of the law or legal practice.
- (3) The Association has been established and functions pursuant to articles of incorporation, charter or constitution and its internal affairs are regulated by duly adopted bylaws, which bylaws provide for the selection of officers charged with the administration of the affairs of the Association.
- (4) Its members are required to pay annual dues except as may be provided in the bylaws of said Association pertaining to waiver of dues for law student members and/or practicing attorneys in the first year of practice.
- (5) It conducts meetings of its members at least annually.
- (6) It requires, as a condition of membership, membership in the State Bar of California; provided, however, that the fact that it admits to membership, in addition to members of the State Bar, any of the following, shall not for that reason prevent it from representation in the Conference:

- (a) Judges of courts of record;
 - (b) Full-time members of the faculty of accredited law schools in the State of California;
 - (c) Members of the bar of another state or the District of Columbia;
 - (d) Honorary members, without voting rights;
 - (e) Law students regularly attending a law school in the State of California, without voting rights, provided said law students have successfully completed the first year of study, and have passed the First-Year Law Students Examination if required to do so by the statutes and rules governing admission to practice law in the State of California.
- (7) It shall not restrict or limit its membership to persons engaged in practice primarily in a particular field or subject matter of the law or legal practice, or regularly devote the major part of its meetings or activities to a particular field of the law or legal practice.
- (8) Subject to the provisions of subparagraph A(6), of this section, it shall not deny or abridge membership therein for any reason, including without limitation race, color, creed, national ancestry, sex, sexual preference or present or previous employment or occupation.
- (9) Shall adhere to the provisions of sections 16640, 16641, 16641.5, 16642, 16642.7, 16645, 16646 and 16647 of the Government Code when depositing or investing funds of the Association.
- (10) It shall not hold any functions sponsored or co-sponsored by the Association in any facility or locale owned or operated by any organization which the Association knows or should know denies or abridges membership or patronage on the basis of race, color, creed, national ancestry, sex, or sexual preference. The Executive Committee of the Conference shall have the power to adopt rules under which the Executive Committee may relieve an Association from disqualification under this subsection if the Executive Committee finds (a) that prior to noncompliance by the Association with the requirements of this subsection, the Association had taken reasonable steps to assure that the requirements of this subsection were met and (b) that the noncompliance was due to mistake, inadvertence, or excusable neglect.
- (11) It meets the requirements of subdivision (a) or (b):
- (a) It has twenty-six (26) or more members who are active members of the State Bar maintaining offices in the county or area served by it, except:

- ~~(a)~~(i) In counties in which there are less than fifty (50) active members of the State Bar only one Association shall be entitled to representation in the Conference, without regard to the number of members of the Association.
- ~~(b)~~(ii) Any Association which serves a county or any portion thereof in which there are ten percent (10%) or more of the active members of the State Bar shall have a membership of at least 100 before becoming entitled to such representation. or
- ~~(12)~~ (b) If It is a statewide Association and has one hundred (100) or more members, or has chapters in various counties which collectively have one hundred (100) or more members.

B. Certification of Membership

On or before February 1 of each year, each Association which meets the requirements for representation set forth in subparagraph A of this section shall transmit to the Staff Director the following:

- (1) A certified copy of its bylaws, with all amendments thereto (unless previously filed).
- (2) A certificate that during the preceding year it has complied with all provisions of subparagraph A of this section.
- (3) A certificate no less current than July 1 of the preceding year containing the following information:
 - (a) The number of its members who are members of the State Bar and whose principal offices are inside the county or area served by the Association.
 - (b) The number of its members who are members of the State Bar and whose principal offices are outside the county or area served by the Association.
 - (c) The number of its members who are not members of the State Bar.

With respect to Associations permitted to represent an area encompassing more than a single county, as provided in subparagraph A(1) of this section, said certificate shall provide separately the required information as to the number of its members in each county within the geographic area served by the Association. Members who are delinquent in the payment of their dues to the Association for more than one (1) year shall not be included as members in such certificate.

- (4) If an Association fails to certify the number of its members, or otherwise fails to comply with the provisions of subparagraph B of this section within the time set forth, or within thirty (30) days after the date of notice of noncompliance sent by mail by the Staff Director to such Association by letter directed to its president as shown by the records of the State Bar, the Staff Director shall for all purposes omit such Association from the delegate allocation for that year.

C. Representation of Unaffiliated Lawyers

Between February 1 and February 15, inclusive, of each year any active members of the State Bar not members of any Association may meet at such time and place in the county in which they maintain their principal offices for the practice of law, as designated by written notice given by any such member, posted in the county clerk's office and mailed by certified mail to the Staff Director at least ten (10) days prior to such meeting, for the purpose of electing delegates and alternate delegates for said year. All members of the State Bar present at such meeting shall sign a statement as follows:

We, the undersigned, active members of the State Bar, having our principal offices in ____ County, and not being members of any bar association entitled to certify delegates pursuant to section 4 of article VI of the Rules and Regulations of the State Bar, have met pursuant to section 4, paragraph C of article VI of said Rules and Regulations of the State Bar on the ____ day of February, 19__, at ____ o'clock of said day, for the purpose of electing delegates and alternate delegates to the Conference of Delegates as provided for in article VI of said Rules and Regulations, and we do hereby certify that we were present and acting at said meeting.

Signature

Address

The active members of the State Bar present at such meeting shall elect a chair and secretary from among their number. Said members shall be entitled to elect one delegate and one alternate delegate for each fifty (50) active members or major fraction thereof present at the meeting.

The chair and the secretary elected at said meeting shall prepare a list setting forth the names of the delegates and alternate delegates selected, and the number of votes received by each nominee for the office of delegate and alternate delegate and shall forward said list together with the certificate and signatures of all persons at said meeting as prescribed above, to reach the Staff Director not later than March 1 of said year. The Staff Director shall canvass the vote, and if he or she finds from said certificate that the election was properly held and sufficient members were present to elect delegates and alternate delegates, and that the same were duly elected, shall certify such delegates and alternate delegates as being duly elected, and such delegates shall become members of the Conference with full privilege of voting on all questions and elections coming before the Conference for that year.

D. Representation of Sections

Each State Bar section and each statewide Association that meets the requirements of subparagraph A~~(12)~~(11) of this section is authorized to elect from among the members of its executive committee one delegate and two alternate delegates to the Conference, advising the Staff Director no later than May 1 of the names of the delegates elected. Such delegates shall become members of the Conference with full privileges of voting on all questions and elections coming before the Conference for that year.

E. Loss of Entitlement to Representation

If an Association shall, for a period of three (3) years or more, fail to comply with the provisions of section 4, subparagraphs A and B of this article, the Board of Governors, after due notice and opportunity for hearing, may determine that such Association shall not be entitled to representation in the Conference. Notice thereof shall be sent by mail by the Staff Director to such Association by letter directed to its president as shown by the records of the State Bar.

F. Existing Associations

Any Association which prior to June 1, 1980, has been eligible to be represented in the Conference shall continue to be so eligible if it has complied with all the requirements of section 4, of this article, within one (1) year after the effective date hereof provided, however, that any such Association that serves a county or a portion of a county in which there are 1,000 or more active members shall be required only to maintain a minimum membership of twenty-six (26) members for purposes of the provisions of subparagraphs A and B of this section.